

REMARKS

Applicants reply to the Office Action dated April 23, 2007 within the shortened three-month statutory period for reply. Claims 1-35 were pending in the application and the Examiner rejects claims 1-35. Applicants cancel claims 2, 6-9, 11-12, 14 and 18-35 without prejudice to filing one or more applications having claims with similar subject matter.

Applicants add new dependent claims 36-43 which are the issued claims from U.S. Patent No. 7,239,226 from which the present application claims priority. As such, Applicants assert that, since claims 36-43 were previously considered patentable, then the same claims depending from independent claim 1 should also be considered patentable. In other words, claims 36-43 contain patentable subject matter, so adding elements (improvements) from claim 1 should also be considered patentable subject matter.

Applicants also add new dependent claims 44-48 which are the issued claims from U.S. Patent No. 7,154,375, and the '375 Patent includes the same specification as the present specification. As such, Applicants assert that, since claims 44-48 were previously considered patentable, then the same claims depending from independent claim 1 should also be considered patentable.

Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

The Examiner rejects claim 15 because it is unclear which transponder is being referred to in the claim. Applicants respectfully traverse this rejection. However, to expedite prosecution, Applicants amend claim 15 in accordance with the Examiner's suggestions in the Office Action.

The Examiner next rejects claims 1-35 under 35 U.S.C. §103(a) as being unpatentable over various combinations of Black, U.S. 6,925,565 ("Black"), Elledge U.S. 6,609,656 ("Elledge"), Saito et al. U.S. Publication No. 2004/0129787 ("Saito"), Martizen et al., U.S. Publication No. 2002/0191816 ("Martizen"), Moebs, U.S. Publication No. 2005/0065872 ("Moebs"), and Steeves, U.S. Publication No. 2006/0071756 ("Steeves"). Applicants respectfully traverse these rejections.

As suggested by the Examiner, Applicant amended independent claim 1 and many other dependent claims in conformance with the Examiner's very helpful suggestions in the Office Action. As such, Applicants assert that neither of the cited references, alone nor in combination disclose or

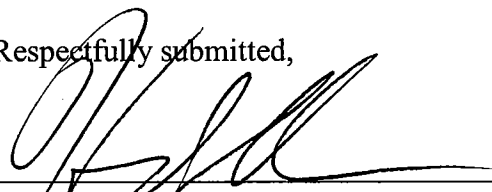
suggest at least “a second transponder physically in a same fob as, and associated with, said first transponder and responsive to a second RF interrogation signal, said first RF interrogation signal responding to distinct frequencies from said second RF interrogation signal a biometric sensor configured to detect a first proffered biometric sample and a second proffered biometric sample, wherein said first proffered biometric sample and said second proffered biometric sample are from the same person, and wherein said first proffered biometric sample is different than said second proffered biometric sample, said biometric sensor configured as a switch to communicate with said system to selectively facilitate control of an order of operation of said first transponder and said second transponder,” as recited by independent claim 1.

Claims 3-5, 10, 13, and 15-17 variously depend from independent claim 1. As such, dependent claims 3-5, 10, 13, 15-17 and 36-48 are differentiated from the cited references for at least the reasons set forth above, as well as in view of their own respective features. As stated above, Applicants also canceled claims 2, 6-9, 11-12, 14 and 18-35, so the rejections related to these claims are now moot.

As discussed above, new dependent claims 36-48 variously depend from independent claim 1. As such, new dependent claims 36-48 are differentiated from the cited references for at least the reasons set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner’s convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,



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